IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 526 OF 2006

Vinod Hingorani ..Petitioner

versus

State of Maharashtra & Ors. ..Respondents

Mr. A. S. Khan with Mr. J. P. Shah i/b. A. S. Khan & Associates for the Petitioner.

Mr. P.S. Hingorani, APP for the Respondents - State.

CORAM : R. S.MOHITE, J.

DATE : 29TH MARCH, 2006

P.C. :

1. In this writ petition exception is taken to the direction given by the Designated Court, MPID Court, directing the G.B. C.B. C.I.D. Economic Offences Wing, Mumbai, to register a separate case as regards to the fraud committed with the investors in respect of sale of shares of M/s. Kolar Biotech Pvt. Ltd. This direction was given while disposing of the bail application filed by the present petitioner. The petitioner was granted bail by the

said order.

2. The APP states that in pursuance of these directions, on 3.9.2005, E.O.W. G.B. C.B. C.I.D. has registered C.R. No. 91 of 2005. The Investigating Officer who investigated the said crime, is present in the court, and, on taking instructions from him, the APP states that the investigation is over and the custody of the petitioner will not be required in the said crime since he was earlier arrested in C.R. No. 47 of 2004 and released on bail by the order dated 17.6.2005, which contained the direction to register a fresh case. The statement made by the APP is accepted.

3. In this view of the matter, the petitioner is not to be arrested. Since the Advocate for the petitioner does not press this writ petition, the same is disposed of with the direction that the petitioner will not be arrested in C.R. No. 91 of 2005. After the charge sheet is filed, the petitioner will be at liberty to apply for discharge in accordance with the law, if he so desires.

(R. S. MOHITE, J.)